IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20588 of 2004

Between:

Edupulapati Yelleswara Rao, s/o Kotaiah,
Sarpanch, Mandadam Gram Panchayat, Guntur District.

..... PETITIONER

AND

1 The District Collector, Panchayat Wing,
Guntur (FAC), Guntur District.
2 The District Panchayat Officer, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus declaring the impugned proceedings of the 1st respondent Roc.No.4614/2002-G6, dated 02-11-2004 whereby suspending the petitioner as Sarpanch is illegal, arbitrary and unconstitutional and consequently set-aside the same and permit the petitioner to function as Sarpanch of the Mandadam Gram Panchayat.

Counsel for the Petitioner:MR.J.U.M.V.PRASAD

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER:

The petitioner, who was elected as Sarpanch of Mandadam Gram Panchayat of Guntur District, was served with a show cause notice, dated 15-07-2004, issued by the 1st respondent, calling upon him to show cause as to why he should not be suspended. For which, the petitioner submitted his explanation, dated 30-07-2004. According to the petitioner, without considering the said explanation, the 1st respondent came to a conclusion that the petitioner misappropriated an amount of Rs.69,674/- and suspended him for a period of three months.

On a perusal of the proceedings, dated 2-11-2004, issued by the 1st respondent, it is evident that after considering the explanation submitted by the petitioner, he was placed under suspension for a period of three months, pending further enquiry into the matter. Since the suspension of the petitioner is only during the pendency of the enquiry, there are no grounds to entertain the writ petition.

Accordingly, the writ petition is dismissed. However, if the petitioner aggrieved by the proceedings of the 1st respondent, he can avail the revisional remedy under Section 264 of the A.P. Panchayat Raj Act, if so advised. No order as to costs.

09-11-2004

GJ

To

1 The District Collector, Panchayat Wing,
Guntur (FAC), Guntur District.
2 The District Panchayat Officer, Guntur District.

3 2 CCs to the G.P. for Panchayat Raj & Rural Development, High Court

Buildings, High Court of A.P., Hyderabad (OUT).

4 2 CD copies.